

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #3	CCRB Case #: 201900061	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 12/29/2018 6:50 PM	Location of Incident: § 87(2)(b) § 87(2)(b)	Precinct: 40	18 Mo. SOL 6/29/2020	EO SOL 2/13/2021	
Date/Time CV Reported Sat, 12/29/2018 7:33 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 01/03/2019 11:09 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Joseph Canale	10524	960317	PSA 7
3. LT Eric Dym	00000	933762	PSA 7

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Arnulfo Luciano	23097	962560	PSA 7
2. POM Elvis Duran	21865	946965	PSA 7
3. LT Anselmo Ioele	00000	938869	PSA 7
4. POM Gregory Scott	00887	961263	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Canale	Abuse: Police Officer Joseph Canale entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
B. Officers	Abuse: Officers stopped individuals.	§ 87(2)(b)
C. Officers	Abuse: Officers frisked individuals.	§ 87(2)(b)
D.POM Joseph Canale	Abuse: Police Officer Joseph Canale threatened to arrest § 87(2)(b)	§ 87(2)(b)
E.LT Eric Dym	Abuse: Lieutenant Eric Dym entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
F.LT Eric Dym	Force: Lieutenant Eric Dym used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

On December 29, 2018, § 87(2)(b) filed this complaint over the phone with IAB on behalf of herself, her son § 87(2)(b) and her father § 87(2)(b) generating log #18-50923 [BR 01].

On December 29, 2018, at approximately 6:50 PM, § 87(2)(b) and approximately 15-20 other people were filming a music video behind § 87(2)(b) in the Bronx. § 87(2)(b) learned that police officers, including PO Arnulfo Luciano of PSA 7, responded to the location and were arresting individuals. He went with approximately eight unidentified friends to his § 87(2)(b) at § 87(2)(b) where his grandfather, § 87(2)(b) was inside. Officers, including PO Joseph Canale of PSA 7 and PO Gregory Scott, who worked in PSA 7 but has since been reassigned to the 52nd Precinct, allegedly pursued § 87(2)(b) and his friends to the apartment. § 87(2)(b) attempted to close the apartment door, but PO Canale allegedly prevented it from closing with one foot in the door (**Allegation A, Abuse of Authority:** § 87(2)(g)). Only two of § 87(2)(b)'s friends entered the apartment, as the rest were allegedly stopped by officers and frisked in the hallway of the building (**Allegations B and C, Abuse of Authority:** § 87(2)(g)). Lt. Eric Dym of PSA 7 arrived on scene in front of the apartment door and stated to § 87(2)(b) that an individual, identified by the investigation as § 87(2)(b), was in the apartment. § 87(2)(b) went to the front door and replied that § 87(2)(b) was not there, and PO Canale allegedly told § 87(2)(b) that he would be arrested if § 87(2)(b) was actually in the apartment (**Allegation D, Abuse of Authority:** § 87(2)(g)). Lt. Dym and PO Canale ultimately entered the apartment and looked for § 87(2)(b) (**Allegation E, Abuse of Authority:** § 87(2)(g)). Officers subsequently handcuffed § 87(2)(b) to remove him to the stationhouse to issue him a summons for disorderly conduct [BR 20]. During his apprehension, Lt. Dym allegedly took § 87(2)(b) to the ground (**Allegation F, Force:** § 87(2)(g)). Other individuals, including § 87(2)(b), § 87(2)(b), and § 87(2)(b) were issued summonses in front of the building for having open containers of alcohol. § 87(2)(b) was arrested for § 87(2)(b), § 87(2)(a) 160.50 for a switchblade.

The investigation did not recover all existing body-worn camera (BWC) video footage of this incident due to unidentified minors being arrested or otherwise detained to be issued summonses outside of the building in the video. A search of the NYPD BADS returned one result for an arrest of § 87(2)(b) who was not a minor and who was arrested in front of the building [BR 33, 34]. The BWC video clips obtained depict only § 87(2)(b) and other unidentified individuals being transported to the stationhouse and processing upon arrival [BR 03-06]. However, brief summaries of all the BWC videos that exist for this incident written by Det. Lynn Sorensen of the Housing Investigations Unit were included in the case file for IAB case #18-50923 [BR 13].

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Joseph Canale entered § 87(2)(b) in the Bronx.

Allegation (B) Abuse of Authority: Officers stopped individuals.

Allegation (C) Abuse of Authority: Officers frisked individuals.

Allegation (D) Abuse of Authority: Police Officer Joseph Canale threatened to arrest

§ 87(2)(b)

It is undisputed that § 87(2)(b) and several other individuals were filming a music video outside of the building. Officers, including PO Luciano and Lt. Dym, approached the group because they allegedly had open containers of alcohol. More officers responded to the location following Lt. Dym's request for assistance [BR 19]. It is also undisputed that § 87(2)(b) ran to his apartment with several individuals and that officers arrived at the apartment shortly thereafter. § 87(2)(b)

§ 87(2)(b), § 87(2)(b) and § 87(2)(b) were apprehended outside of the building and did not enter the building with § 87(2)(b).

§ 87(2)(b) testified to the CCRB that after seeing officers handcuff § 87(2)(b) and § 87(2)(b) outside of the building, he and approximately eight friends, whose names he did not know, ran into the building and up to his § 87(2)(b) [BR 07]. Immediately after § 87(2)(b)'s arrival, § 87(2)(b) who also lived in the apartment, went downstairs to see what was happening. § 87(2)(b) was also in the apartment at the time. § 87(2)(b) held his front door open for his friends to enter and saw that approximately two to three uniformed officers followed the group upstairs. § 87(2)(b) attempted to close his front door, but the officers held it. One officer, who § 87(2)(b) described as a heavyset white male in his early 30s who was 6' tall, bald, and wearing a uniform kept his foot in the door. § 87(2)(b) and § 87(2)(b) told the officer that they did not have a warrant to enter the apartment. § 87(2)(b) spoke to the officers from inside the apartment at the time. § 87(2)(b) did not testify to having heard officers threaten to arrest § 87(2)(b). § 87(2)(b) arrived at the apartment and questioned what the officers were doing, to which the officer stated that the door was already open. Two of § 87(2)(b)'s friends had entered the apartment, while the others were stopped in the building hallway by uniformed officers and patted down. § 87(2)(b) saw this happen but was unable to describe the officers who did so.

§ 87(2)(b) testified that he was in the apartment living room from where he could see the front door when several officers arrived in front of the apartment door after having chased § 87(2)(b) and his friends [BR 09]. The officers asked for an individual, whose name § 87(2)(b) did not recall, and § 87(2)(b) told the officers the individual was not there. § 87(2)(b) went to the front door and repeated that the individual was not there. An overweight white male officer in his 40s, who was approximately 5'6-7" tall, had a receding hairline, and was wearing a uniform held the door open with his foot and did not allow the individuals inside the apartment to close the door. The officer stated that he wanted to enter the apartment and check for the individual, which § 87(2)(b) said he could not do without a warrant. The officer kept his foot in the front door of the apartment and said he was going to call a supervisor. While waiting for the supervisor, the officer told § 87(2)(b) that if the individual they were looking for was in the apartment, § 87(2)(b) would be arrested.

In her phone statement, § 87(2)(b) stated that approximately 30 individuals were involved in the filming of the music video outside, and that six individuals entered her apartment with § 87(2)(b) [BR 02]. § 87(2)(b) briefly went downstairs to see what was happening, and when she returned, officers were trying to enter her apartment and kept her from going inside, although it is unclear how they did so. An officer, whom § 87(2)(b) described as a heavyset white male in his late 30s, who was 5'7" tall with black hair and who was wearing a uniform, stated that her § 87(2)(b) had gone into the apartment. § 87(2)(b) noted that § 87(2)(b) who is her godson, was not present. § 87(2)(b) was ultimately uncooperative with the investigation [BR 31].

PO Luciano testified that he and his partner PO Nestor Amarante-Polanco were assigned to a fixed post at the location due to shootings in the area and were on the lookout for large crowds [BR 11]. Upon observing the group filming the music video, PO Amarante-Polanco called their sergeant over the phone, and shortly thereafter Lt. Dym arrived. The three officers approached the group and PO Luciano observed open containers of alcohol, including one individual holding an open bottle of Hennessy. When PO Luciano began issuing summonses to § 87(2)(b), § 87(2)(b) and § 87(2)(b), § 87(2)(b) exited the building and approached the group. § 87(2)(b) began yelling and using profanity towards the officers, and the crowd grew. Lt. Dym decided that it was unsafe to prepare the summonses on scene because of the crowd, and instructed PO Luciano and PO Amarante-Polanco to transport § 87(2)(b), § 87(2)(b) and § 87(2)(b) to the stationhouse to complete the summonses. Lt. Dym requested assistance over the radio to transport the civilians. PO Luciano and his partner left the scene with one of them. PO Luciano noted that when he left the scene, § 87(2)(b) and Lt. Dym were still outside of the building and § 87(2)(b) was still yelling at officers. PO Luciano did not enter the building at any point.

Lt. Dym testified that, on the date of the incident, he was checking on posted patrols when he observed the group of individuals, some of whom were drinking alcohol, outside the building [BR 14]. Lt. Dym recognized several individuals in the group as members of the Betances youth gang, which was being investigated for several shootings, including one that had taken place on Halloween of that year. Lt. Dym requested additional officers to the scene when the individuals who were drinking alcohol refused to identify themselves. As the uniformed patrol officers approached, one black male member of the group, who remained unidentified, began to “blade his body” by turning to the side. Lt. Dym believed he saw a firearm in the male’s pocket due to the bulge and silhouette of a firearm and grabbed at it. Lt. Dym did not recall in which pocket the bulge was but described the bulge as the outline of a gun that was heavier on one side. Lt. Dym felt something that he thought was a gun. With his other arm, he attempted to grab the male, but he ran down § 87(2)(b) to § 87(2)(b). Some of the individuals in the group were arrested or detained to be issued summonses while others fled, with some entering § 87(2)(b) § 87(2)(b) a known member of the Betances Gang and person of interest in the precinct, was among the individuals who ran into the building. Lt. Dym informed PO Canale of that and told him that § 87(2)(b) was in possession of a firearm. Lt. Dym provided PO Canale with a description of § 87(2)(b) although he did not recall what the description was. Lt. Dym believed that § 87(2)(b) had a firearm because § 87(2)(b) had been involved in shootings in the past and because he believed that someone else in the group had a firearm. Lt. Dym had personally arrested § 87(2)(b) previously for marijuana possession but never for firearm-related offenses. However, as the special operations lieutenant, Lt. Dym had analyzed the data of previous arrests and firearm arrests in the community. Lt. Dym also believed that § 87(2)(b) was involved in the Halloween shooting. Lt. Dym did not personally witness a gun in § 87(2)(b) possession at the time. Lt. Dym did not testify to the existence of any active arrest or bench warrants or Investigation Cards (I-cards) for § 87(2)(b) at the time. PO Canale entered the building in pursuit of § 87(2)(b).

A search of the NYPD BADS database showed that § 87(2)(b) had been arrested for criminal possession of a loaded firearm twice in 2016 [BR 35]. Lt. Dym was not the arresting officer in either arrest.

PO Canale testified that he and PO Scott responded to the location after Lt. Dym requested additional units to the scene [BR 15]. PO Scott added that Lt. Dym also provided a description of § 87(2)(b) who may have had a firearm [BR 16]. PO Scott did not recall what the description was. PO Canale spoke to Lt. Dym, who explained that § 87(2)(b) was a person of interest who had ran away from Lt. Dym and into § 87(2)(b) § 87(2)(b) PO Canale knew § 87(2)(b) from his sector patrols and knew that § 87(2)(b) was a gang member who was active in the conflicts between his development and a neighboring development. There are fixed posts near § 87(2)(b) building because members of his gang and the rival development had exchanged gunshots near that area recently. Lt. Dym asked PO Canale and PO Scott to conduct an interior check of the building. PO Canale and PO Scott went to the roof of the building, then made their way down each floor in search of § 87(2)(b) PO Canale saw an individual whom he believed to be § 87(2)(b) run into § 87(2)(b) with another individual. PO Canale and PO Scott ran to the apartment door but four individuals stood in the doorway and said the officers could not come in. PO Canale asked the individuals to tell § 87(2)(b) to come outside and speak with the officers since he was a suspect of an active investigation. The individuals denied knowing § 87(2)(b) and blocked the doorway. PO Canale denied holding the apartment door open. The individuals in the apartment instead held the door open. PO Canale called Lt. Dym to the scene. PO Canale did not recall any individuals leaving the apartment. He did not recall stopping or frisking any individuals in the hallway nor did he recall any other officers doing so. While PO Canale held the door open, § 87(2)(b) came to the doorway and spoke to the officers. PO Canale did not recall telling § 87(2)(b) that he would be arrested if § 87(2)(b) was found in the apartment nor did he recall any other officers doing so.

§ 87(2)(g)
[BR 16]. PO Scott saw approximately 15 individuals in the apartment from the front doorway. Among

the individuals, several were known by the officers to be under the age of 21 and were visibly drinking alcohol in the apartment. PO Scott and PO Canale cleared the apartment by verbally instructing the underage individuals to leave and they complied. All of the individuals were free to leave and none of them were stopped on their way out of the apartment. PO Scott did not recall whether he or any other officers frisked any of the individuals as they exited the apartment.

Lt. Ioele responded to the location after officers had left the scene [BR 12]. He interviewed § 87(2)(b) following her call to IAB to file the complaint.

According to NYPD records, PO Canale is a § 87(2)(b). PO Canale was § 87(2)(b) years old at the time of the incident. Although § 87(2)(b) and § 87(2)(b) were inconsistent in their descriptions of the officer who held the door open, PO Canale and PO Scott were the first officers to arrive at the apartment. Of the two, PO Canale best matches the description of the officer's age and physical appearance. Additionally, § 87(2)(b) stated that the officer who held the door open is the same officer who later entered the apartment with Lt. Dym, which is consistent with PO Canale's testimony presented later. As a result, the investigation identified PO Canale as the subject officer in Allegations A and D.

A request for the Stop and Frisk Report log from the incident date showed no Stop and Frisk reports prepared for anyone at the location [BR 10].

Video summaries of 17 BWC recordings included in the IAB case #18-50923 did not reveal any officers stopping or frisking individuals in the hallway of the building [BR 13]. They did not mention anything about PO Canale speaking to § 87(2)(b) or telling him that he could or would be arrested. The summary of PO Canale's BWC video notes that while conducting a vertical patrol of the building, he observed an open apartment door and spoke with individuals at the location. It is unclear how the door remains open or who holds it open, if anyone.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Lieutenant Eric Dym entered § 87(2)(b) in the Bronx.

Allegation (F) Force: Lieutenant Eric Dym used force against § 87(2)(b)

It is undisputed that Lt. Dym and PO Canale entered § 87(2)(b). It is disputed whether § 87(2)(b) was present in the apartment. The manner in which Lt. Dym took § 87(2)(b) to the ground is also in dispute.

§ 87(2)(b) testified to the CCRB that after PO Canale held open the front door for some time, a supervisor arrived [BR 09]. During that time, § 87(2)(b) had exited the apartment and was in the building hallway, where he remained. Lt. Dym arrived and spoke with PO Canale. Lt. Dym stated that § 87(2)(b) and his friends, who were under 21, were in the apartment "partying and drinking." § 87(2)(b) did not recall how many individuals ran into the apartment but noted that they had only just arrived and were not "partying and drinking." Lt. Dym asked § 87(2)(b) if they could go into the apartment, and § 87(2)(b) stated that they could not without a warrant. § 87(2)(b) briefly went

to each of the three bedrooms of the apartment and looked for the individual PO Canale had said the officers were looking for. He returned to the front door and told PO Canale and Lt. Dym, who were still outside the apartment, that no one was there. The supervisor said that the officers were going to enter the apartment anyway and look for themselves. PO Canale, who had been holding the door open to that point, and Lt. Dym walked into the apartment without § 87(2)(b)'s consent. After the officers had already entered, § 87(2)(b) showed them officers where § 87(2)(b)'s room was. They looked around the room with flashlights but did not open any compartments nor did they move any items. The officers left the apartment and closed the door behind them, with § 87(2)(b) and § 87(2)(b) still in the building hallway. § 87(2)(b) was apprehended in the hallway, although § 87(2)(b) did not witness it.

§ 87(2)(b) testified that PO Canale held the front door open for approximately five minutes, after which one of the officers present instructed PO Canale and other officers to grab § 87(2)(b) [BR 07]. The officers entered the apartment and took § 87(2)(b) to the ground in the kitchen. § 87(2)(b) was unable to articulate the manner in which he was taken to the ground or describe the officers who did so. The officers handcuffed § 87(2)(b) and removed him from the apartment.

§ 87(2)(b) noted in her phone statement that officers entered the apartment and handcuffed § 87(2)(b) [BR 02]. PO Canale looked into the three bedrooms as well as the bathroom and the kitchen for § 87(2)(b). As noted above, § 87(2)(b) stated that § 87(2)(b) and approximately five of his friends had entered the apartment, after which she exited and went downstairs to see what was happening. § 87(2)(b) noted that she was outside of the apartment as officers remained in the doorway, denying her reentry, and while they entered the apartment. § 87(2)(b) was issued a summons for having a party involving underage drinking.

Sometime after PO Canale entered the building, Lt. Dym and other officers went to § 87(2)(b) after PO Canale called them [BR 14]. Lt. Dym did not remember the information that PO Canale gave him about the apartment. Although Lt. Dym went to the apartment, he did not recall what he observed when he arrived nor did not recall how many people he saw inside. Lt. Dym did not remember if he entered the apartment nor did he remember if he saw other officers enter the apartment. Lt. Dym believed that § 87(2)(b) had authorized underage drinking and a party in the apartment. As such, he instructed PO Canale to issue a summons to § 87(2)(b). Lt. Dym did not recall entering the apartment but believed that there were exigent circumstances to do so: a large underage group drinking alcohol, one potentially armed person fleeing from the group, § 87(2)(b) with a history of firearms possibly fleeing into that apartment, and finally a possible fire-hazard due to the number of people inside the apartment. Lt. Dym did not remember if § 87(2)(b) was detained or handcuffed on that day nor did he recall any officer taking § 87(2)(b) to the ground during his apprehension. Lt. Dym did not remember if he personally took § 87(2)(b) to the ground at any point during the incident. He did not testify to any officers having found § 87(2)(b) or to having obtained a search warrant for the apartment.

PO Canale testified that after speaking with § 87(2)(b) Lt. Dym instructed PO Canale to enter the apartment [BR 15]. Both PO Canale and Lt. Dym entered the apartment. PO Canale and Lt. Dym looked into one bedroom, a common area/living room, and a bathroom but did not find § 87(2)(b) Dalarosa. PO Canale observed multiple open containers of alcohol and several teenagers. After exiting the apartment, PO Canale met § 87(2)(b) who stated, "Hey, that's my apartment." PO Canale informed her that there were minors consuming alcohol within and she could be issued a summons in regard to the underage drinking. Then, Lt. Dym instructed PO Canale to write the summons. PO Canale was unaware of any arrests taking place at the location, including that of § 87(2)(b). PO Canale was unaware of anyone, including § 87(2)(b) being taken to the ground, and did not do so himself.

PO Luciano stated that approximately 10-15 minutes after he arrived at the stationhouse, § 87(2)(b) arrived at the stationhouse [BR 11]. PO Luciano was unaware of the circumstances leading up to § 87(2)(b)'s apprehension and subsequent removal to the stationhouse. Scott did not recall any officer entering the apartment or taking any individuals to the ground during the incident [BR 16].

A search of the NYPD BADS database revealed that since the incident date, § 87(2)(b) has been arrested five times for various offenses, none of which involve shootings [BR 23].

A request for a Threat Resistance and Injury Worksheet for § 87(2)(b) returned negative results. A request for arrest or bench warrants or I-Cards for § 87(2)(b) returned negative results [BR 17].

IAB case #18-50923 included summaries of PO Canale and PO Scott's BWC footage of the incident [BR 13]. The summaries note that as PO Canale and Lt. Dym stood in front of the apartment door, § 87(2)(b) approached the front door from within the apartment. Lt. Dym instructed § 87(2)(b) to exit the apartment because he was being detained. § 87(2)(b) complied, but upon reaching the stairwell, § 87(2)(b) placed his hands in front of himself and refused to be handcuffed. Lt. Dym placed his arm around § 87(2)(b)'s waste and guided him to the floor, where he was handcuffed by an unknown officer without incident. The summaries note that Lt. Dym and PO Canale entered the apartment, but no information regarding what they did in the apartment was included.

Although Lt. Dym testified that he did not recall if he entered the apartment, PO Canale and BWC footage summaries confirmed that he did. Despite the fact that both Lt. Dym and PO Canale entered the apartment, as discussed in PO Canale's testimony and in the summaries of BWC footage, PO Canale did so under Lt. Dym's instructions. As a result, Allegation E is pleaded against Lt. Dym only.

New York State Criminal Procedure Law (CPL) §120.80 lists the conditions under which an arrest warrant may be executed [BR 18]. An officer may enter any premises in which he reasonably believes the defendant to be present. However, as per *Steagald v United States*, 451 US 204 [1981], if the suspect is located in a third-party residence, officers would need both an arrest warrant for the suspect and a search warrant for the third-party residence in order to enter and look for the suspect [BR 35]. *Payton v New York*, 445 US 573 [1980] outlines the circumstances for a warrantless entry into a premises, which would require hot pursuit, exigent circumstances, an emergency, or consent [BR 36].

Hot pursuit must originate in a public place, from the scene of a crime, or where a suspect is attempting to evade a lawful arrest (*People v Johnson*, 193 AD2d 35 [1st Dept 1993]) [BR 37]. The officer must be in immediate and continuous pursuit (*People v Thomas*, 164 AD2d 874 [2d Dept 1990]) [BR 38]. Exigent circumstances include compelling law enforcement interests to justify the warrantless entry, including destruction of evidence, severity of the crime, whether the defendant is armed, and whether the defendant is believed to still be within the premises (*People v McBride*, 14 NY3d 440 [2010]) [BR 39].

Finally, officers may enter a premises if given explicit consent (*People v Brown*, 234 AD2d 211 [1st Dept 1996]) [BR 40]. Consent may also be granted implicitly if an individual's behavior indicates permission for officers to enter the premises. Such behaviors may include: if an individual who answers the door officers leaves the door open and walks away; if the individual who opens the door to officers steps aside in response to a request for entry (*People v Xochimitl*, 147 AD3d 793 [2d Dept 2017]); or if the person who opens the door indicates where the suspect is located and points in their direction (*People v Satornino*, 153 AD2d 595 [2d Dept 1989]) [BR 41, 42].

People v Desmarat, 38 AD3d 913 [2d Dept. 2007] clarifies the criteria comprising the emergency doctrine, which allows for warrantless entry of a premises by officers if they have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life, and there is reasonable basis to associate the emergency with the place being entered [BR 22].

In *People v Durant*, 175 AD2d 176 [2d Dept 1991], officers stopped three men, including Mr. Durant, who were seen standing outside with the suspect of a recent assault [BR 21]. The court found that the officers had no reasonable suspicion to believe that Mr. Durant was committing, had committed, or was about to commit a crime simply because he was in the company of an individual who had committed assault.

It is disputed whether § 87(2)(b) was present inside the apartment during the incident.

§ 87(2)(g) § 87(2)(g)

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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties [BR 24, 25, 26].
- PO Canale has been a member of service for four years and has been a subject of three other CCRB complaints with 14 allegations, none of which were substantiated.
 - In case 201708163, PO Canale was cited for other misconduct for failing to prepare a memo book entry and failure to produce a stop and frisk report.
 - § 87(2)(g)
- Lt. Dym has been a member of service for 16 years and has been a subject of 21 other CCRB complaints with 60 allegations, two of which were substantiated.
 - Case 201114190 involved a substantiated stop allegation. The Board recommended no disciplinary action due to the statute of limitations, and the NYPD imposed no disciplinary action.
 - Case 201804541 involved a substantiated discourtesy allegation. The Board recommended Command Discipline A and the NYPD imposed Instructions.
 - Lt. Dym's history includes multiple allegations of entries of premises which were unsubstantiated or remain under active investigation.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- On March 25, 2020, a request was submitted to determine if a Notice of Claim was filed; confirmation from the Office of the New York City Comptroller will be forwarded upon receipt [BR 27].
- According to the New York State Office of Court Administration (OCA), neither § 87(2)(b) nor § 87(2)(b) has any convictions in New York City [BR 28, 29].
- § 87(2)(b)

Squad No.: 3

Investigator: Magdalena Azmitia Investigator Magdalena Azmitia March 30, 2020
Signature Print Title & Name Date

Squad Leader: Olga Golub SL Olga Golub 03/31/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date